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**CITY OF TEMPE  
HEARING OFFICER**

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**Meeting Date: 09/04/2018**  
**Agenda Item: 9**

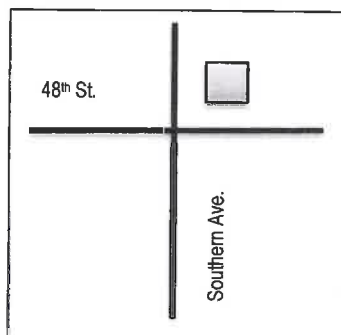
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**ACTION:** Request approval to abate public nuisance items at the Qik Stop/Nguyen Property located at 3233 S. 48<sup>th</sup> Street. The applicant is the City of Tempe – Code Compliance.

**FISCAL IMPACT:** \$610.00 for abatement request, removal and disposal of junk, trash, debris, grass, weeds and graffiti on property.

**RECOMMENDATION:** Staff – Approval of 180 day open abatement

**BACKGROUND INFORMATION:** City of Tempe – Code Compliance Section requests approval to abate items in violation of the Tempe City Code at the QIK STOP/NGUYEN PROPERTY. The details of this case represent several months of correspondence for compliance with the property owner. Staff requests the approval of abatement of the following nuisance items under Complaint CM180548: removal and disposal of junk, trash, debris, grass, weeds and graffiti on property.



Property Owner

Applicant

Zoning District:

Code Compliance Inspector:

TL Qik Stop Market Inc./Debbie Nguyen

City of Tempe – Code Compliance

PCC-1, Planned Commercial Center Neighborhood

Amy Wozniak, Code Inspector

**ATTACHMENTS:** Supporting Attachment

**STAFF CONTACT:** Drew Yocom, Planning & Research Analyst (480-858-2190)

Department Director: Chad Weaver, Community Development Director

Legal review by: N/A

Prepared by: Barbara Simons, Code Inspector

Reviewed by: Drew Yocom, Planning & Research Analyst

**COMMENTS:**

Code Compliance is requesting approval to abate the Qik Stop Market/Nguyen Property located at 3233 S. 48<sup>th</sup> Street, in the PCC-1, Planned Commercial Center Neighborhood district. This case was initiated 05/24/2018, after which Code Compliance has attempted to obtain compliance through correspondence with the property owner regarding violations of the Tempe City Code.

Without the intervention of abatement the property will continue to deteriorate. It is therefore requested that the City of Tempe Community Development Hearing Officer approve a 180 day open abatement of this public nuisance in accordance with Section 21-53 of the Tempe City Code.

**HISTORY & FACTS:**

The history and facts of this case are detailed in an attached memo from the Code Compliance Inspector.



**123-28-130J Commercial Parcel**

This is a commercial parcel located at [3233 S 48TH ST TEMPE 85282](#), and the current owner is TL QIK STOP MARKET INC. It is located in the Eaton Freeway Industrial Park subdivision and MCR 17131. Its current year full cash value is \$546,200.

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**Property Information****[3233 S 48TH ST TEMPE 85282](#)**

MCR #	<a href="#">17131</a>
Description:	EATON FREEWAY INDUSTRIAL PARK MCR 171/31 PT LOT 127 COMM W/MOST SW COR SD LOT N 175.98F TO POB CONT N 101F E 170F S 101F W 170F TO POB
Lat/Long	<a href="#">33.39358297   -111.97830106</a>
Lot Size	17,163 sq ft.
Zoning	PCC-1
Lot #	127
High School District	TEMPE UNION #213
Elementary School District	TEMPE ELEMENTARY SCHOOL DISTRICT
Local Jurisdiction	TEMPE
S/T/R	29 1N 4E
Market Area/Neighborhood	02/004
Subdivision (96 Parcels)	<a href="#">EATON FREEWAY INDUSTRIAL PARK</a>

## Owner Information

### TL QIK STOP MARKET INC

Mailing Address 3233 S 48TH ST, TEMPE, AZ 85282

Deed Number [080853534](#)

Last Deed Date 10/02/2008

Sale Date n/a

Sale Price n/a

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## Valuation Information

We provide valuation information for the past 5 years. For mobile display, we only show 1 year of valuation information. Should you need more data, please look at our [data sales](#).

**The Valuation Information displayed below may not reflect the taxable value used on the tax bill due to any special valuation relief program.**

**[CLICK HERE TO PAY YOUR TAXES OR VIEW YOUR TAX BILL](#)**

Tax Year	2019	2018	2017	2016	2015
Full Cash Value	\$546,200	\$393,900	\$373,900	\$343,700	\$317,200
Limited Property Value	\$364,506	\$347,149	\$330,618	\$314,874	\$299,880
Legal Class 1	1	1	1	1	1
Description	COMMERCIAL / OTHER R/P	COMMERCIAL / OTHER R/P	COMMERCIAL / OTHER R/P	COMMERCIAL / OTHER R/P	COMMERCIAL / OTHER R/P
Assessment Ratio	18%	18%	18%	18%	18.5%
Assessed FCV	n/a	n/a	n/a	n/a	n/a
Assessed LPV	\$65,611	\$62,487	\$59,511	\$56,677	\$55,478
Property Use Code	1111	1111	1111	1111	1111
PU Description	Retail	Retail	Retail	Retail	Retail
Tax Area Code	031600	031600	031600	031600	031600
Valuation Source	Notice	Notice	Notice	Notice	Notice

## Additional Property Information

Additional commercial property data.

Description	Imp #	Model	Rank	CCI	Age	Sq Ft.
Convenience Market	000101	419	2	C	8	1,428
Service Station	000201	408	2	D	38	1
Site Improvements	000301	163	2	D	38	1

**Similar Parcels**

Parcels that are similar to this one (known as the reference parcel) are displayed below.

**APN Address Sale Info FCV Size Livable Sq Ft Year Built Pool Foreclosed**

No similar parcels found.

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## Assessor Paul D. Petersen

Maricopa County Assessor's Office

### Feature Information

(1 of 2)

Clear ?

**123-28-130J**

#### Owner Information

Owner Name: TL QIK STOP MARKET INC  
 Property Address: 3233 S 48TH ST TEMPE 85282  
 Mailing Address: 3233 S 48TH ST TEMPE AZ 85282  
 Deed Number: 080853534  
 Sale Date:  
 Sale Price: \$

#### Property Information

Lat/Long: 33.393590, -111.977876  
 S/T/R: 29 1N 4E  
 Jurisdiction: TEMPE  
 Zoning: PCC-1  
 PUC: 1111  
 Lot Size (sq ft): 17,163  
 MCR #: 171-31  
 Subdivision: EATON FREEWAY INDUSTRIAL PARK  
 Lot #: 127  
 Floor: 1  
 Construction Year:  
 Living Space (sq ft):

#### Valuation Information

Tax Year:	2019	2018
FCV:	\$546,200	\$393,900
LPV:	\$364,506	\$347,149
Legal Class:	1	1


[Zoom to](#) [Clear Selected](#)


-111.978286 33.394010 Degrees



**DATE:** August 01, 2018  
**TO:** Jeff Tamulevich, Code Compliance Administrator  
**FROM:** Amy Wozniak, Commercial Code Inspector  
**SUBJECT:** CM170064, TL QIK STOP MARKET, INC. Property Abatement

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**LOCATION:** 3233 S. 48<sup>TH</sup> STREET, TEMPE, AZ 85282

**LEGAL:** EATON FREEWAY INDUSTRIAL PARK MCR 171/31 PT LOT 127  
COMM W/MOST SW COR SD LOT N 175.98F TO POB CONT N 101F E  
170F S 101F W 170F TO POB

**PARCEL:** 123-28-130J

**OWNER:** TL QIK STOP MARKET, INC  
C/O DEBBIE L. NGUYEN  
525 N. VAL VISTA DR. UNIT 45  
MESA, AZ 85213-7077

**FINDINGS:**

05/24/2018 Visited the site and noticed overgrown grass and weeds throughout the landscape areas of the property. Trash and debris and graffiti sporadically throughout the property.

05/24/2018 First violation letter mailed to the property owner.

06/14/2018 Visited site and noticed violations not addressed. Second violation letter mailed to the property owner.

07/05/2018 Visited site and noticed violations not addressed. Final violation letter mailed to the property owner.

07/19/2018 Visited site and noticed violations not addressed. Landscaper, Bob Hamann, contacted and a bid for clean-up requested.

07/31/2018 Noticed of intent to abate posted on the property at 3233 S. 48<sup>th</sup> St., Tempe, and a copy mailed to the property owner.

08/01/2018 Abatement packet submitted to supervisor.

**RECOMMENDATIONS:**

I recommend an abatement of the nuisance violations at the property at 3233 S. 48<sup>th</sup> St., due to property owner's failure to bring property into compliance with Tempe City Codes 21-3.b.1, Tempe City Code 21-3.b.8 and Tempe City Code 22-105(a). Ms. Nguyen has been given ample time to obtain compliance and maintain the property. Based on previous history, there has been no indication that the property owner will bring the property into compliance. This is the forth request for an abatement regarding this property. It has been successfully abated on April 21, 2014, 05/18/2016, and April 18, 2017. The deterioration of this property represents a health hazard and is an eyesore to the community.

Without the intervention of this abatement the property will continue to deteriorate. I therefore make a request to the City of Tempe Community Development Hearing Officer for authorization to abate this public nuisance in accordance with section 21-53 of the Tempe City Code and authorization of multiple abatements for a period not to exceed one hundred eighty (180) days from the previous abatement order.

Respectfully submitted,

Amy Wozniak  
Commercial Code Inspector II

ACTION TAKEN: \_\_\_\_\_

NAME \_\_\_\_\_

DATE: \_\_\_\_\_

*Submitted*  
*[Signature]*  
*8 1 18*

CASE # **CM180548**



## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 08/31/2017

**TL QIK STOP MARKET, INC  
C/O DEBBIE L. NGUYEN  
525 N. VAL VISTA DR. UNIT 45  
MESA, AZ 85213-7066**

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

**Legal:** EATON FREEWAY INDUSTRIAL PARK MCR 171/31 PT LOT 127 COMM W/MOST SW COR SD LOT N 175.98F TO POB CONT N 101F E 170F S 101F W 170F TO POB

**Location:** 3233 S. 48<sup>TH</sup> ST., TEMPE, AZ 85282

**Parcel:** 123-28-130J

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This office will submit this complaint to the Community Development Abatement Hearing Officer to be placed on the Hearing Officer agenda of **09/04/2018**. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of

- 1. REMOVE TRASH, DEBRIS, AND OTHER MISCELLANEOUS ITEMS FROM THROUGHOUT THE EXTERIOR OF THE ABANDONED PROPERTY.**
- 2. MAINTAIN LANDSCAPED AREAS OF THE PROPERTY AND REMOVE UNCONTROLLED, UNCULTIVATED GRASS AND WEEDS THROUGHOUT THE ABANDONED PROPERTY.**
- 3. REMOVE GRAFFITI WRITTEN IN MULTIPLE SPRAY PAINT COLORS THROUGHOUT THE PROPERTY.**

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be **\$610.00**. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

**If you have questions regarding this matter, please contact our office at (480) 350-4311.**

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**Code Inspector: Amy Wozniak**

**Phone Number: (480)350-5463**

**E-mail: amy\_wozniak@tempe.gov**











## NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: 08/21/2011

TLQIK STOP MARKET, INC.  
C/O DEBBIE L. NGUYEN  
5525 N. VAL VISTA DR. UNIT 45  
MESA, AZ 85213-7060

Two served as notification at the City of Tampa's meetings regarding the abatement of code violations on the following residential property:

Legal  
CATCH FREEDWAY INDUSTRIAL PARK 6400 STAFFY PT LANE 127 CLARK COUNTY TN 37030 LOT  
NATS OFF TO PCB CONT 1017 E 4TH N. 1017 W 110E 15 ACB

0353-4134/97/0004-0000\$10.00/0

[illegible]

This office will submit this complaint to the Community Development Achievement Hearing Office to be placed on the Hearing Office agenda of 08/04/2016. We are requesting Hearing Office Authorization to attend this public hearing in accordance with Section 21-53 of the Tampa City Code by removal and repair of

1. REMOVE TRASH, DEBRIS, AND OTHER MISCELLANEOUS ITEMS FROM THROUGHOUT THE EXTENSION OF THE ABANDONED PROPERTY.
2. MAINTAIN LANDSCAPED AREAS OF THE PROPERTY AND REMOVE UNCONTROLLED, UNCULTIVATED GRASS AND WEEDS THROUGHOUT THE ABANDONED PROPERTY.
3. REMOVE GRAFFITI WRITTEN IN MULTIPLE SPRAY/PAINT COLORS THROUGHOUT THE PROPERTY.

As owner of the property, you have thirty (30) days after receipt of this letter to advise us in writing the validation of the collection. If no validation is received within the thirty (30) day period, we will proceed with the collection process. If you have any questions, please call us at 800-368-2772.

[illegible]

For more information, please contact our office at (800) 350-6311.

Chad Livingston, Army Warrant Officer  
Phonix Marine, (408) 360-5483  
E-mail: army.warrant@comcast.net

**Under 18  
No Tobacco**



POSTAL

NOTICE  
SPECIAL  
DELIVERY  
MAIL



3233

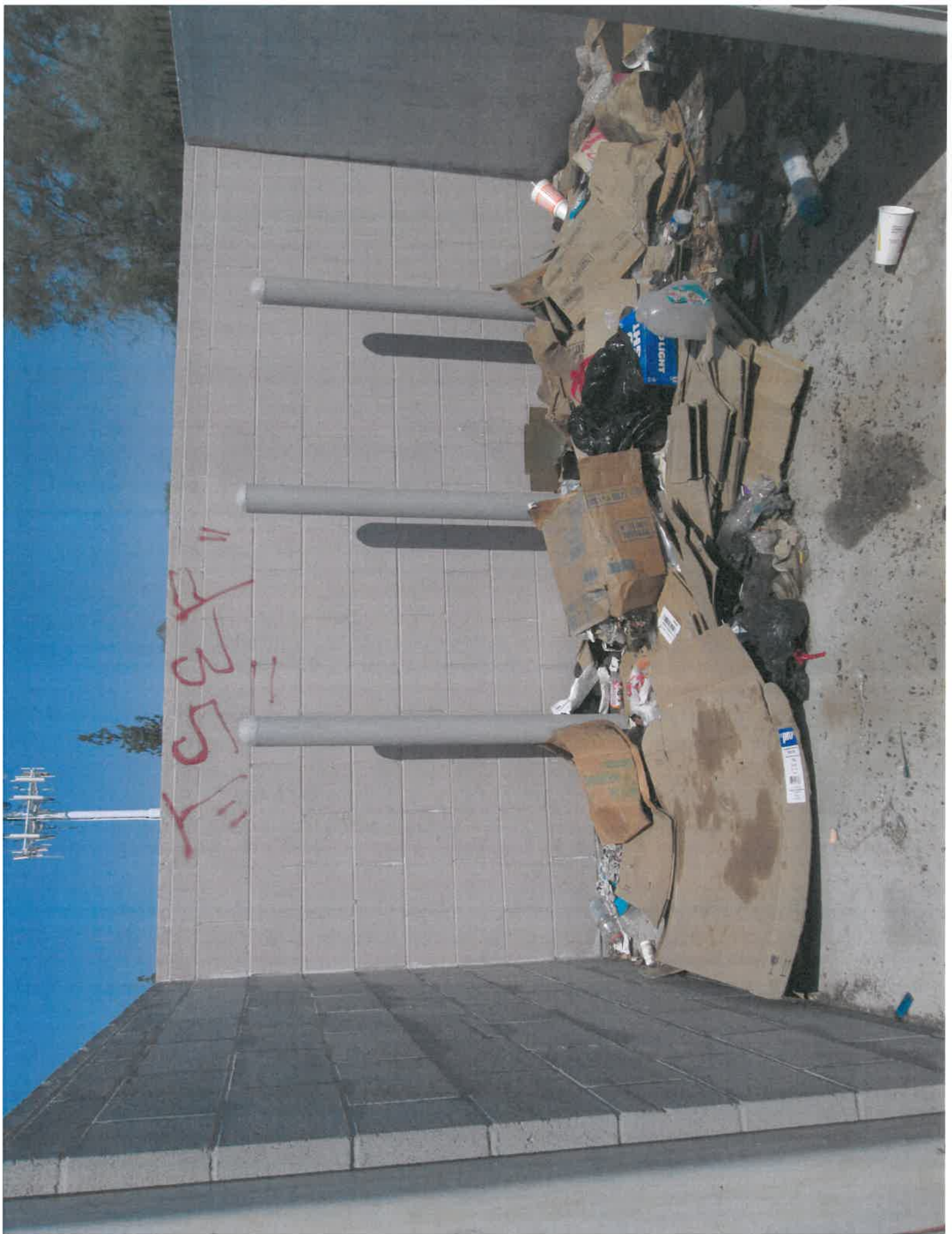
3233









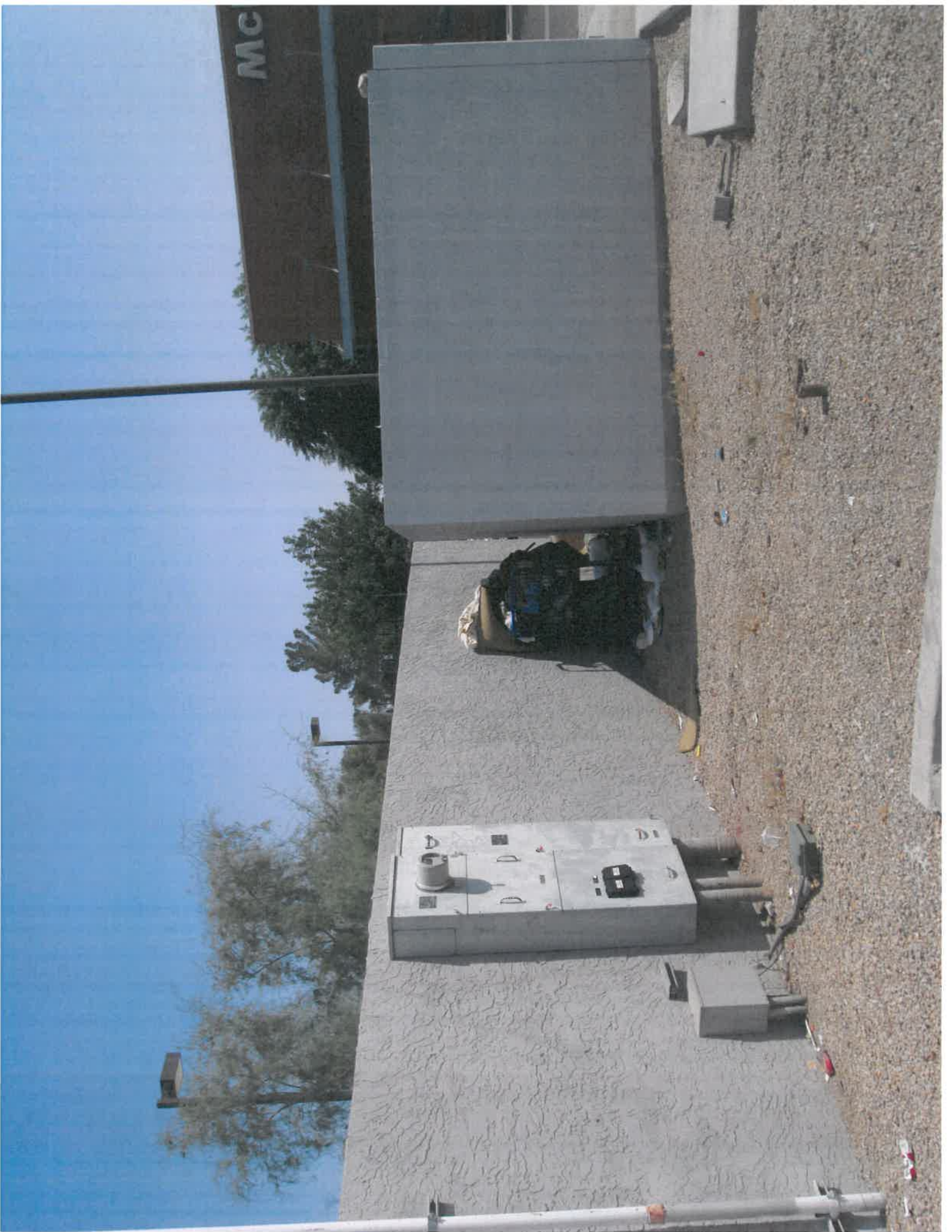




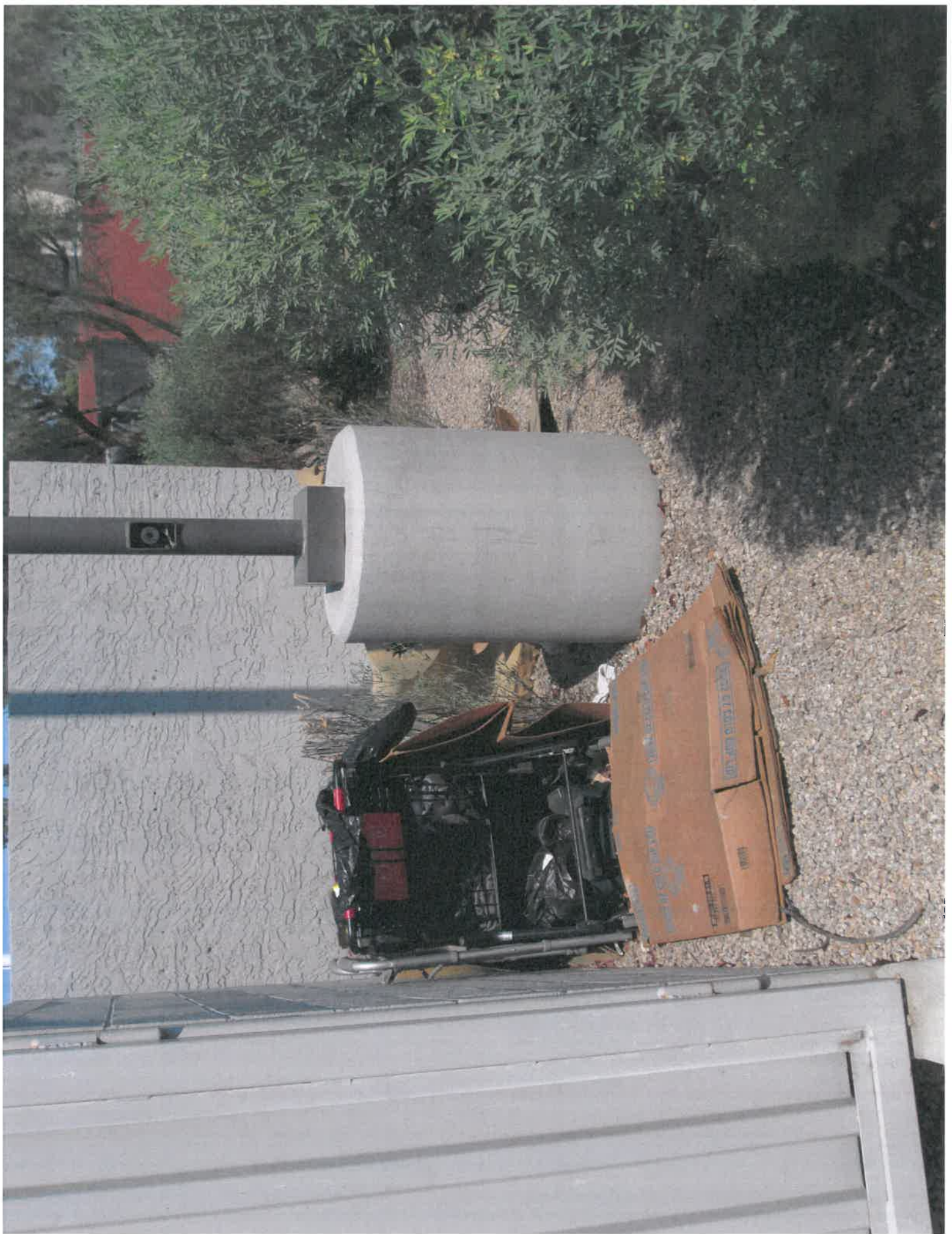






















**HAMANN ENTERPRISES, LLC**

4001 W CAMELBACK RD C30

PHOENIX, AZ 85019

(602) 575-4455

[hamannenterprises@yahoo.com](mailto:hamannenterprises@yahoo.com)

THE FOLLOWING DOCUMENT IS FOR:

NAME: AMY WOZNIAK

FIRM: CITY OF TEMPE

DATE: 7/23/18

**PROPOSAL**

WE PROPOSE TO DO THE FOLLOWING WORK FOR THE CITY OF TEMPE  
UNDER CONTRACT # T18-011-03

ADDRESS: 3233 S 48TH ST

1 LANDSCAPE, AND TRASH CLEAN UP, GRAFFITI PAINT	\$560.00
2 ESTAMATED DUMP FEES	\$50.00
3	\$0.00
4	\$0.00
5	\$0.00
6	\$0.00
TOTAL COST OF JOB	<hr/> \$610.00

THANK YOU FOR YOUR BUSINESS

BOB HAMANN



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**CORRECTION NOTICE**

05-24-2018

TL QIK STOP MARKET, INC  
ATTN: DEBBIE L. NGUYEN  
1328 E. MINTON DR.  
TEMPE, AZ 85282

Case#: CM180548  
Site Address: 3233 S. 48<sup>th</sup> ST., TEMPE, AZ  
Parcel # 123-28-130J

**SITE REINSPECTION ON OR AFTER: 06/14/2018**

This is a notice to inform you that this site was inspected on 05/23/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

<u>SECTION</u>	<u>VIOLATION</u>
<b>ZDC 4-102.E.1</b>	The owner or owner's association, or the lessee of the site, as applicable, shall maintain the <i>development</i> and property in conformance with the last plans approved by the City of Tempe. Any deterioration shall be considered a violation of this Code and any applicable ordinances.
<b>TCC 21-3.b.1</b>	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.
<b>TCC 21-3.b.8</b>	It is a violation for any landscape, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; cultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living front more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.
<b>TCC 22-105(a)</b>	Per this code, it is the responsibility of the property owner to remove the graffiti within ten (10) days of receipt of this notice. When removing graffiti from the damaged structure, the owner must utilize the same or similar color to return the structure to its original state. In addition, please contact the Tempe Police Department at (480)350-8311 and file a Criminal Damage report.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

- ZDC 4-102.E.1** Maintain site in conformance with plans approved by the City of Tempe by removing all uncontrolled growth (grass and weeds) from within landscaped areas throughout the property, remove all trash and debris from throughout the property and remove graffiti from the trash enclosure and west side of the building.
- TCC 21-3.b.1** Remove all trash and debris from throughout the property.
- TCC 21-3.b.8** Remove all uncontrolled growth (weeds) from throughout the property
- TCC 22-105(a)** Remove graffiti written in red spray paint from the east, interior side of the trash enclosure and the graffiti written in black and red spray paint on the west, exterior side of the building.

See enclosed photographs of violations.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Amy Wozniak**  
**Code Inspector II**

**Direct: 480-350-5463**  
**Code Compliance: (480)350-4311**  
**Email: amy\_wozniak@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

City Code Section 21-3, subsections (b) 1-8, and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violations, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation. | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Sections 21-38, subsection (1): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after that date of the original violation until compliance occurs. | Section 21-4(b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**CORRECTION NOTICE**

05-24-2018

TL QIK STOP MARKET, INC  
ATTN: DEBBIE L. NGUYEN  
525 N. VAL VISTA DR. #45  
MESA, AZ 85213

Case#: CM180548  
Site Address: 3233 S. 48<sup>th</sup> ST., TEMPE, AZ  
Parcel # 123-28-130J

**SITE REINSPECTION ON OR AFTER: 06/14/2018**

This is a notice to inform you that this site was inspected on 05/23/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

**SECTION**      **VIOLATION**

- |                      |   |
|----------------------|---|
| <b>ZDC 4-102.E.1</b> | The owner or owner's association, or the lessee of the site, as applicable, shall maintain the <i>development</i> and property in conformance with the last plans approved by the City of Tempe. Any deterioration shall be considered a violation of this Code and any applicable ordinances.  |
| <b>TCC 21-3.b.1</b>  | Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city. |
| <b>TCC 21-3.b.8</b>  | It is a violation for any landscape, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; cultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward fronds the base of the lowest living front more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.   |
| <b>TCC 22-105(a)</b> | Per this code, it is the responsibility of the property owner to remove the graffiti within ten (10) days of receipt of this notice. When removing graffiti from the damaged structure, the owner must utilize the same or similar color to return the structure to its original state. In addition, please contact the Tempe Police Department at (480)350-8311 and file a Criminal Damage report.   |

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

- ZDC 4-102.E.1** Maintain site in conformance with plans approved by the City of Tempe by removing all uncontrolled growth (grass and weeds) from within landscaped areas throughout the property, remove all trash and debris from throughout the property and remove graffiti from the trash enclosure and west side of the building.
- TCC 21-3.b.1** Remove all trash and debris from throughout the property.
- TCC 21-3.b.8** Remove all uncontrolled growth (weeds) from throughout the property
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See enclosed photographs of violations.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Amy Wozniak**  
**Code Inspector II**

**Direct: 480-350-5463**  
**Code Compliance: (480)350-4311**  
**Email: amy\_wozniak@tempe.gov**

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COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**SECOND CORRECTION NOTICE**

06-14-2018

TL QIK STOP MARKET, INC  
ATTN: DEBBIE L. NGUYEN  
525 N. VAL VISTA DR. #45  
MESA, AZ 85213

Case#: CM180548  
Site Address: 3233 S. 48<sup>th</sup> ST., TEMPE, AZ  
Parcel # 123-28-130J

**SITE REINSPECTION ON OR AFTER: 07/02/2018**

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<b>TCC 21-3.b.1</b>	Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city.
<b>TCC 21-3.b.8</b>	It is a violation for any landscape, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; cultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living front more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.
<b>TCC 22-105(a)</b>	Per this code, it is the responsibility of the property owner to remove the graffiti within ten (10) days of receipt of this notice. When removing graffiti from the damaged structure, the owner must utilize the same or similar color to return the structure to its original state. In addition, please contact the Tempe Police Department at (480)350-8311 and file a Criminal Damage report.

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

- ZDC 4-102.E.1** Maintain site in conformance with plans approved by the City of Tempe by removing all uncontrolled growth (grass and weeds) from within landscaped areas throughout the property, remove all trash and debris from throughout the property and remove graffiti from the trash enclosure and west side of the building.
- TCC 21-3.b.1** Remove all trash and debris from throughout the property.
- TCC 21-3.b.8** Remove all uncontrolled growth (weeds) from throughout the property
- TCC 22-105(a)** Remove graffiti written in red spray paint from the east, interior side of the trash enclosure and the graffiti written in black and red spray paint on the west, exterior side of the building.

See enclosed photographs of violations.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Amy Wozniak**  
**Code Inspector II**

**Direct: 480-350-5463**  
**Code Compliance: (480)350-4311**  
**Email: amy\_wozniak@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

City Code Section 21-3, subsections (b) 1-8, and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violations, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation. | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Sections 21-38, subsection (1): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after that date of the original violation until compliance occurs. | Section 21-4(b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**SECOND CORRECTION NOTICE**

06-14-2018

TL QIK STOP MARKET, INC  
ATTN: DEBBIE L. NGUYEN  
1328 E. MINTON DR.  
TEMPE, AZ 85282

Case#: CM180548  
Site Address: 3233 S. 48<sup>th</sup> ST., TEMPE, AZ  
Parcel # 123-28-130J

**SITE REINSPECTION ON OR AFTER: 07/02/2018**

This is a notice to inform you that this site was inspected on 05/23/2018 and 06/14/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

**SECTION**      **VIOLATION**

- |                      |   |
|----------------------|---|
| <b>ZDC 4-102.E.1</b> | The owner or owner's association, or the lessee of the site, as applicable, shall maintain the <i>development</i> and property in conformance with the last plans approved by the City of Tempe. Any deterioration shall be considered a violation of this Code and any applicable ordinances.  |
| <b>TCC 21-3.b.1</b>  | Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city. |
| <b>TCC 21-3.b.8</b>  | It is a violation for any landscape, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; cultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward fronds the base of the lowest living front more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.   |
| <b>TCC 22-105(a)</b> | Per this code, it is the responsibility of the property owner to remove the graffiti within ten (10) days of receipt of this notice. When removing graffiti from the damaged structure, the owner must utilize the same or similar color to return the structure to its original state. In addition, please contact the Tempe Police Department at (480)350-8311 and file a Criminal Damage report.   |



**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

- ZDC 4-102.E.1** Maintain site in conformance with plans approved by the City of Tempe by removing all uncontrolled growth (grass and weeds) from within landscaped areas throughout the property, remove all trash and debris from throughout the property and remove graffiti from the trash enclosure and west side of the building.
- TCC 21-3.b.1** Remove all trash and debris from throughout the property.
- TCC 21-3.b.8** Remove all uncontrolled growth (weeds) from throughout the property
- TCC 22-105(a)** Remove graffiti written in red spray paint from the east, interior side of the trash enclosure and the graffiti written in black and red spray paint on the west, exterior side of the building.

See enclosed photographs of violations.

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Amy Wozniak**  
**Code Inspector II**

**Direct: 480-350-5463**  
**Code Compliance: (480)350-4311**  
**Email: amy\_wozniak@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

City Code Section 21-3, subsections (b) 1-8, and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violations, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3<sup>rd</sup> occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1<sup>st</sup> occurrence \$300 per violation, 2<sup>nd</sup> occurrence \$500 per violation, 3<sup>rd</sup> occurrence \$700 per violation. | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Sections 21-38, subsection (1): 1st occurrence \$300 per violation, 2<sup>nd</sup> occurrence \$700 per violation, 3<sup>rd</sup> occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after that date of the original violation until compliance occurs. | Section 21-4(b) Habitual Offender: 1<sup>st</sup> occurrence \$550 in addition to other fines, 2<sup>nd</sup> occurrence \$1,050 in addition to other fines, 3<sup>rd</sup> occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**FINAL CORRECTION NOTICE**

07-05-2018

TL QIK STOP MARKET, INC  
ATTN: DEBBIE L. NGUYEN  
525 N. VAL VISTA DR. #45  
MESA, AZ 85213

Case#: CM180548  
Site Address: 3233 S. 48<sup>th</sup> ST., TEMPE, AZ  
Parcel # 123-28-130J

**SITE REINSPECTION ON OR AFTER: 07/19/2018**

This is a notice to inform you that this site was inspected on 05/23/2018, 06/14/2018 and 07/05/2018 and found to be in violation of the City of Tempe's Zoning and Development Code (ZDC) and/or City Code (CC) as noted. Failure to comply may result in civil citation or criminal charges.

**SECTION**      **VIOLATION**

- |                      |   |
|----------------------|---|
| <b>ZDC 4-102.E.1</b> | The owner or owner's association, or the lessee of the site, as applicable, shall maintain the <i>development</i> and property in conformance with the last plans approved by the City of Tempe. Any deterioration shall be considered a violation of this Code and any applicable ordinances.  |
| <b>TCC 21-3.b.1</b>  | Filthy, littered, debris or trash-covered exterior areas, including exterior areas under any roof not enclosed by the walls, doors or windows of any building; including, but not limited to, areas that contain items such as cans, bottles, wood, metal, plastic, rags, boxes, paper, tires, auto parts; unused, inoperable, worn out or discarded appliances or other household items; lumber, scrap iron, tin and other metal not neatly piled, or anything whatsoever that is or may become a hazard to public health and safety, or that may harbor insect, rodent or vermin infestation. This subsection shall not be deemed to include items kept in covered bins or metal receptacles approved by the county health officer or this code or any other ordinance of the city. |
| <b>TCC 21-3.b.8</b>  | It is a violation for any landscape, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; cultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward fronds the base of the lowest living front more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.   |
| <b>TCC 22-105(a)</b> | Per this code, it is the responsibility of the property owner to remove the graffiti within ten (10) days of receipt of this notice. When removing graffiti from the damaged structure, the owner must utilize the same or similar color to return the structure to its original state. In addition, please contact the Tempe Police Department at (480)350-8311 and file a Criminal Damage report.   |

**PLEASE TAKE THE FOLLOWING CORRECTIVE ACTION**

- ZDC 4-102.E.1** Maintain site in conformance with plans approved by the City of Tempe by removing all uncontrolled growth (grass and weeds) from within landscaped areas throughout the property, remove all trash and debris from throughout the property and remove graffiti from the trash enclosure and west side of the building.
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See enclosed photographs of violations.

**CORRECTIVE ACTION MUST BE COMPLETED OR A \$170.00 CITATION  
WILL BE ISSUED FOR EACH VIOLATION NOTED.**

Please contact me if you have questions or need further assistance. Thank you for your cooperation in this matter.

**Amy Wozniak**  
**Code Inspector II**

**Direct: 480-350-5463**  
**Code Compliance: (480)350-4311**  
**Email: amy\_wozniak@tempe.gov**

**Please Note:** In the event of more than one violation occurring at this property in a calendar year, the property owner may be assessed a reinspection fee of \$75.00 pursuant to City Code Section 21-51, subsection (b).

**Civil and Criminal Penalties**

City Code Section 21-3, subsections (b) 1-8, and 17-19; Section 21-4; Sections 21-13; Section 21-38, subsections (a-k) and (m-q): 1st occurrence \$170 (commercial), \$200 (residential) per violations, 2nd occurrence \$420 (commercial), \$300 (residential) per violation, 3rd occurrence \$820 (commercial) \$400 (residential) per violation | Sections 21-31; 21-32; 21-33; 21-35; 21-36: 1st occurrence \$300 per violation, 2nd occurrence \$500 per violation, 3rd occurrence \$700 per violation. | Section 21-3, subsections (b) 9-16 and 20; Sections 21-34, 21-37; Sections 21-38, subsection (1): 1st occurrence \$300 per violation, 2nd occurrence \$700 per violation, 3rd occurrence \$1,000 per violation. | Section 21-25: \$1,000 per violation plus an additional \$100 for each month after that date of the original violation until compliance occurs. | Section 21-4(b) Habitual Offender: 1st occurrence \$550 in addition to other fines, 2nd occurrence \$1,050 in addition to other fines, 3rd occurrence, \$1,550 in addition to other fines. | Zoning and Development Code: 1st occurrence \$170 per violation, 2nd occurrence \$420 per violation, 3rd occurrence \$820 per violation | The city has authority to abate the violation should the owner neglect, fail or refuse to correct the violation within 30 days and to assess a lien against the property for the cost of the abatement. | The city prosecutor is authorized to file a criminal class 1 misdemeanor complaint in the Tempe Municipal Court for violations of these codes.

**Sec. 21-43.D Notice to comply**

*Additional notice; notice not required.* Nothing herein shall preclude the city from giving additional verbal or written notice at its discretion but it is not obligated to notify the same person as to a second (or additional) violation which has been the subject of a notice to comply within the previous twelve (12) month period. If the city does elect to give any additional notice in any instance, it shall not thereby become obligated to give such additional notice thereafter in the same or other situations. Nothing in this section shall require the issuance of a second notice to comply within twelve (12) months prior to commencement of civil or criminal violation proceedings.



COMMUNITY DEVELOPMENT DEPARTMENT  
CODE COMPLIANCE

**FINAL CORRECTION NOTICE**

07-05-2018

TL QIK STOP MARKET, INC  
ATTN: DEBBIE L. NGUYEN  
1328 E. MINTON DR.  
TEMPE, AZ 85282

Case#: CM180548  
Site Address: 3233 S. 48<sup>th</sup> ST., TEMPE, AZ  
Parcel # 123-28-130J

**SITE REINSPECTION ON OR AFTER: 07/19/2018**

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**SECTION**      **VIOLATION**

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**Amy Wozniak**  
**Code Inspector II**

**Direct: 480-350-5463**  
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